

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Cr. No. 3:06-CR-98-WHA
	)	
JOE HAMLIN	)	

MOTION TO CONTINUE SENTENCING

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully requests a continuance of the sentencing hearing in this case. In support thereof, we would show the following:

1. A sentencing hearing is set in this case for February 1, 2007 at 9:00 a.m.
2. The government was made aware of a potential witness (for sentencing purposes) who was represented by Kevin L. Butler of the Federal Defender's Office.
3. The government made the Federal Defender's Office aware of the possible conflict because of their representation of a witness against the defendant and their representation of the defendant (Jennifer Hart is former counsel).
4. Jennifer Hart withdrew as defendant's attorney and the Court appointed Everett M. Urech to represent the defendant at sentencing.
5. Kevin Butler informed the government that his representation of the witness was for an appeal the witness had filed with the 11<sup>th</sup> Circuit Court of Appeals. Butler further stated that as the District Court had been divested of jurisdiction over the witness' case, the 11<sup>th</sup> Circuit Court of Appeals would be responsible for appointing counsel for the witness.
6. To date, the 11<sup>th</sup> Circuit Court of Appeals has not appointed counsel for the witness

and, as such, the government has been unable to communicate with the witness.

7. The government does intend to present the testimony of the witness at sentencing and believes that in the interest of justice, the defense should be made aware of the testimony of the witness and have the opportunity to investigate said testimony, prior to sentencing.

8. In the interest of judicial economy and the right of the parties to have a fair and complete judicial process, the sentencing hearing should be continued to allow the witness to obtain qualified representation, to allow the government the opportunity to communicate with the witness, to allow the government to provide the defendant any and all statements made by the witness, and to allow the defendant the opportunity to fully prepare for the sentencing hearing.

9. The undersigned has attempted to contact Everett M. Urech, attorney for defendant, but has been unable to reach him to ascertain his position as to a continuation of the sentencing hearing.

10. The defendant will not suffer any prejudice should the Court grant this motion.

For the reasons stated above, the United States requests that this Honorable Court grant a continuance of the sentencing hearing in this case, currently set for February 1, 2007 at 9:00 a.m.

Respectfully submitted this the 25<sup>th</sup> day of January, 2007.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Everett M. Urech.

Respectfully submitted,

LEURA GARRETT CANARY  
UNITED STATES ATTORNEY

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